

21 C.J.S. Courts § 253

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

A. Courts of Same State

1. In General

§ 253. Concurrent or coordinate jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  472.1 to 473

Where jurisdiction is concurrent, two or more tribunals are authorized to hear and dispose of a matter.

Concurrent or coordinate¹ jurisdiction describes a situation where two or more tribunals are authorized to hear and dispose of a matter² or where jurisdiction is exercised simultaneously by more than one court over the same subject matter and within the same territory.³ In a case involving a challenge to a regulatory agency's determination, "concurrent jurisdiction" means that a court and an administrative agency share authority to deal with the same subject matter.⁴

Courts of concurrent jurisdiction are courts of equal dignity as to the matters concurrently cognizable,⁵ neither having supervisory power over the other.⁶ In this regard, as a general

proposition, an appellate court and the tribunal appealed from do not have jurisdiction over the same case at the same time.⁷

Election of tribunal.

Where jurisdiction is concurrent, the choice of which tribunal is up to the party bringing the matter to court,⁸ and when that choice is made, it is binding upon the party.⁹

CUMULATIVE SUPPLEMENT

Cases:

State's immunity from jury trial was waived as to suits brought against state defendants pursuant to Elliott-Larsen Civil Rights Act (ELCRA), so jurisdiction over suit against state Department of Transportation was not limited to the Court of Claims, which instead had concurrent jurisdiction with the circuit court; statute permitted suits against "persons" which explicitly included state or political subdivision of state or state agencies, and it was clear that legislature intended for state and its political subdivisions to be regulated and subject to ELCRA. [Mich. Comp. Laws Ann. §§ 37.2103, 37.2201\(a\), 600.6421\(1\).](#) [Doe v. Department of Transportation](#), 324 Mich. App. 226, 919 N.W.2d 670 (2018), appeal denied, [503 Mich. 876, 917 N.W.2d 637 \(2018\)](#).

The Juvenile Court had jurisdiction, in neglect case, to vacate the District Court's custody orders, which had granted mother's former partner guardianship over child; the Juvenile Court had concurrent jurisdiction over a custody award entered by the District Court, and the concurrent jurisdiction encompassed the power to alter the District Court's orders as long as it was necessary to secure the safety and welfare of the child. [Utah Code Ann. § 78A-6-104\(4\)\(a,b\).](#) [State in interest of J.B.](#), 2018 UT 15, 417 P.3d 618 (Utah 2018).

[END OF SUPPLEMENT]

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Footnotes

1 Ala.—[EB Investments, L.L.C. v. Atlantis Development, Inc.](#), 930 So. 2d 502 (Ala. 2005).

2 Minn.—[Gavle v. Little Six, Inc.](#), 555 N.W.2d 284 (Minn. 1996).

Extraordinary writs

While the state supreme court has original jurisdiction to issue writs such as habeas corpus, prohibition, and mandamus, its jurisdiction is discretionary and, thus, it has concurrent jurisdiction with other state courts.

Fla.—[Harvard v. Singletary](#), 733 So. 2d 1020 (Fla. 1999).

3 Ky.—[Com. v. Stephenson](#), 82 S.W.3d 876 (Ky. 2002).

Limited jurisdiction

Where the family court is a court of limited jurisdiction over particular matters, it does not have overlapping jurisdiction with a court of general jurisdiction.

Vt.—[LaPlume v. Lavallee](#), 177 Vt. 526, 2004 VT 78, 858 A.2d 255 (2004).

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Family court jurisdiction to hear contract claims, 46 A.L.R.5th 735.

4 Ohio—[Boise Cascade Corp. v. Board of Forestry](#), 325 Or. 185, 935 P.2d 411 (1997).

5 Fla.—[Ex parte Sirmans](#), 94 Fla. 832, 116 So. 282 (1927).

N.C.—[Matter of Adamee's Estate](#), 291 N.C. 386, 230 S.E.2d 541 (1976).

6 Ind.—[Shideler v. Vrljich](#), 195 Ind. 563, 145 N.E. 881 (1925).

N.C.—[Matter of Adamee's Estate](#), 291 N.C. 386, 230 S.E.2d 541 (1976).

For discussion of a court's lack of authority to review decisions rendered by other courts of concurrent jurisdiction, see § 259.

7 Neb.—[Currie By and Through Currie v. Chief School Bus Service, Inc.](#), 250 Neb. 872, 553 N.W.2d 469, 112 Ed. Law Rep. 1043 (1996).

Leave to appeal

A court of appeals has exclusive jurisdiction to entertain a motion for leave to appeal to the court of appeals.

N.Y.—[New York State Ass'n of Criminal Defense Lawyers v. Kaye](#), 95 N.Y.2d 556, 721 N.Y.S.2d 588, 744 N.E.2d 123 (2000).

8 Colo.—[Cook v. District Court In and For Weld County](#), 670 P.2d 758 (Colo. 1983).

Ill.—[People ex rel. Ratsky Service Station v. Haas](#), 351 Ill. 68, 183 N.E. 813 (1932).

Minn.—[Gavle v. Little Six, Inc.](#), 555 N.W.2d 284 (Minn. 1996).

W. Va.—[In re Richard P.](#), 227 W. Va. 285, 708 S.E.2d 479 (2010).

9 Ill.—[People ex rel. Ratsky Service Station v. Haas](#), 351 Ill. 68, 183 N.E. 813 (1932).